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FM AMEMBASSY TBILISI

TO RUEHC/SECSTATE WASHDC IMMEDIATE 1022

INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 TBILISI 000357

SIPDIS

E.O. 12958: DECL: 08/25/2018

TAGS: [PGOV](#) [PREL](#) [GG](#)

SUBJECT: GEORGIA: REFERENDUM PROCESS AN UPHILL CLIMB

Classified By: CHARGE D'AFFAIRES A.I. KENT LOGSDON FOR REASONS 1.4 (b) AND (d)

¶1. (SBU) Summary: Opposition leaders outside of Parliament, led by Irakli Alasania, have begun discussing publicly the idea of a public vote either calling for new presidential elections or a referendum to change existing constitutional procedures for calling new elections. Current Georgian law allows either Parliament or an individual to initiate a call for a referendum or a plebiscite, the difference being that the latter is non-binding. Parliament can demand a referendum with a majority vote (unlikely given the ruling party's overwhelming majority). A private citizen or organization, once certified by the Central Election Committee (CEC), is required by law to collect 200,000 eligible voters' signatures within four months; 200,000 signatures amounts to roughly 10 percent of the electorate. In either case, if the requirements are met, the measure goes to the President for consideration, and he may then decide whether or not to accept the demand, subject to a number of technical and legal exclusions, and schedule the referendum. If the referendum passes with 50 percent of the vote cast, it becomes law after the vote is certified. End Summary.

¶2. (C) Embassy Comment: The likelihood that the opposition (or an NGO) can effectively use the referendum process to compel new elections is minimal. The referendum process contains many logistical, procedural, and legal hurdles to overcome. It is unclear whether the opposition would be able to garner anywhere near the 200,000 signatures needed to push the process forward. Doing so would require a high level of coordination, funding, and cooperation among the various groups that has thus far been lacking. Simply put, President Saakashvili appears only to need to articulate a well-grounded reason to refuse to go forward with a referendum if formally presented to him. Nevertheless, if the opposition can organize and collect a significant amount of signatures, the calls for new elections may intensify. End Comment.

Referendum Process

¶3. (SBU) Georgian law allows an individual to initiate a call for a referendum (binding) or a plebiscite (non binding), but the process is the same. To start the process, the individual or group of individuals must apply to the Central Election Committee (CEC) for approval to begin the collection of signatures. The CEC makes sure the referendum question complies with Georgian law and is phrased in a yes or no question. Certain exclusions apply: any referendum calling for the adoption or repeal of an amnesty or pardon; ratification or withdrawal from international treaties and agreements; any question which would restrict basic constitutional rights and freedoms of individuals are not proper questions to put to a referendum. If the request for a referendum is denied by the CEC, the requesters have the right to appeal directly to the Georgian Supreme Court.

¶4. (SBU) If the requester(s) does not accumulate at least 200,000 valid signatures within four months, the request fails. The question put through the referendum process is

then barred from being subject to another referendum procedure for a period of one year. If the signatures are collected, the CEC will review and adjudicate whether or not the signatures are valid for the purpose of a referendum (i.e. signatures correspond to registered voters, are legible, are not duplicates etc.). If and when the CEC validates the results, it sends the question to the President who then has one month to act. The President can deny the call for a referendum based on a "well-grounded" refusal. Apart from those mentioned above, the President can choose to deny carrying out a referendum during times of martial law, or massive public disorders such as epidemics, armed rebellion, an ongoing coup, or ecological catastrophes. If the President accepts, he must name a date for the nation wide vote between two and six months from the time he decides to put the referendum to vote. The referendum process is governed by the CEC and would be administered in the same way as elections. If passed with a majority of the vote cast, the referendum becomes law when the final results are certified.

Lots of Hurdles

15. (C) Roughly 2-2.5 million Georgians are registered to vote which means any individual who wants to put a question to referendum will have four months to gather signatures of approximately 10 percent of Georgia's registered voters. The organizational skills, infrastructure, necessary funding, and volunteers needed to conduct such an operation makes it unlikely that any opposition group or consortium of opposition groups would be able to accomplish such an ambitious goal. Considering the most current public opinion

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polls show only about 20-25 percent of the electorate supporting new polls, the odds become even steeper to collect the requisite signatures. If the signatures are collected, the CEC will need to verify them. The CEC would run the names versus its voter lists which would be time consuming at a minimum and result in the potential disqualification of a number of signatures for various technical reasons. As such, any group would likely have to collect well above the 200,000 required signatures to ensure acceptance.

16. (C) With no apparent timetable to force the CEC to act, any initial request could be stalled on any number of procedural and technical grounds. (Embassy Note: David Usupashvili (Republicans) tells us that 10-12 individual referendum petitions are currently pending in the CEC. End Note). Additionally, if the referendum conforms to the opposition demand for new Presidential elections, the result is a de facto impeachment proceeding which appears to infringe on the Parliament's sole right to impeach a President according to the Constitution. Likewise, if parliamentary elections are subject to referendum, the question appears to infringe on Parliament's and the President's right to call new elections based on very specific Constitutional scenarios. Additionally, if Saakashvili is subject to term limits, a majority of Georgian voters would have their votes annulled which also raises Constitutional questions. At the very least, calls for either new presidential or parliamentary elections through the referendum process will raise some thorny legal issues.

LOGSDON